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2878  
Ruth Montalvo  
Date  
27 August 04

Deposited: August 27, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Ruth Montalvo

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

Docket No.: GK-ZEI-3156/500343.20157

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 026418

Docket No. GK-ZEI-3156/500343.20157

Applicant(s): Ralf Wolleschensky et al Allowed: July 14, 2004

Serial No.: 10/081,096 Group: 2878

Filed: February 21, 2002 Examiner: Otilia Gabor

For: ARRANGEMENT FOR THE OPTICAL CAPTURE OF EXCITED AND/OR BACKSCATTERED LIGHT BEAM IN A SAMPLE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

SIR:

Applicants wish to make of record the following publications which were cited in the parallel German prosecution:

1. Offenlegungsschrift DE 198 42 153 A1
2. Offenlegungsschrift DE 100 17 825 A1
3. Offenlegungsschrift t DE 100 59 184 A1

A brief summary of the disclosure of each publication follows:

08/31/2004 EFLORES 00000038 10081096

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DE 198 42 153 A1 – Title: “Optical Arrangement in the Beam Path of a Confocal Fluorescence Microscope”

Summary: An optical arrangement in the beam path of a confocal fluorescence microscope, with at least a laser light source, an arranged structure in the light/detection beam path for division of excitation light from fluorescent light, an objective lens arranged between the structure and the object and a subsequently arranged detector of the structure in the detection beam path. This arrangement provides for the raising of fluorescence yield by simple construction.

DE 100 17 825 A1 – Title: “Polychromatic Fluorescence Measurement Arrangement”

Summary: The disclosure relates to a fluorescent measurement arrangement for scanning a sample surface, having a selection element by means of which excitation light in an excitation beam path is coupled with the sample surface and from the sample surface emitted fluorescent light, that the excitation beam in the opposite direction goes through, and is coupled out of the excitation beam. In the beam path a first dispersive element is arranged so that the fluorescent light from the sample surface is spectrally split up, and strikes the selection element. The selection element has a first and second region for managing selection between excitation-and fluorescent light.

DE 100 59 184 A1 – Title: “Optical Arrangement”

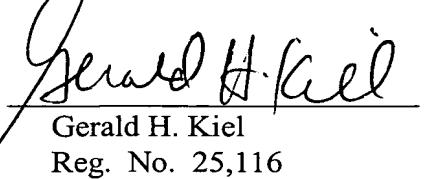
Summary: An optical arrangement minimizes auto-fluorescence and stray light and efficiently uses illumination light from a fluorescent illumination optical system in order to permit evaluation of a light fluorescent image. An observation arrangement comprises an objective, an evaluation-optical system unit, including a variable-enlarge-optical system and an imaging-optical-system unit, including an imaging lens and an ocular.

The German Office Action of April 29, 2004 which first identified the above three references is enclosed. The penultimate paragraph of page 2 states (in translation): “The above references (1) to (3) are not an obstacle in themselves to patentability of structure of claim 1”.

Accompanying this Information Disclosure Statement and form PTO-1449 are copies of the references. A check for \$180.00 for the submission of an Information Disclosure after the mailing of the Notice of Allowance is also enclosed.

Respectfully submitted,

By:

  
Gerald H. Kiel

Reg. No. 25,116

August 27, 2004  
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599 Lexington Avenue  
New York, NY 10022-7650  
GHK:jl

Enc.: Form PTO-1449  
3 References  
Check/\$180.00  
German Office Action

**LIST OF PRIOR ART CITED BY APPLICANT  
(Filed on August 27, 2004)**

Docket No. GK-ZEI-3156/500343.2015

Applicant(s): Ralf WOLLESCHENSKY and Michael KEMPE

Application No. 10/081,096

Group: 2878

Filed: February 21, 2002

Examiner: Otilia Gabor

## U.S. PATENT DOCUMENTS

Exam. Init		Document Number	Date	Name	Class	Sub-Class	Filing Date Appropriate
	<b>AA</b>						
-	<b>AB</b>						
	<b>AC</b>						
-	<b>AD</b>						
	<b>AE</b>						
	<b>AF</b>						
	<b>AG</b>						
	<b>AH</b>						
	<b>AI</b>						
	<b>AJ</b>						
	<b>AK</b>						

## FOREIGN PATENT DOCUMENTS

SEARCHED							SEARCHED	
		Document Number	Date	Country	CLASS	Sub-Class	Translation YES	NO
	<b>AL</b>	<b>198 42 153</b>	<b>03/16/2000</b>	<b>Germany</b>			<input checked="" type="checkbox"/>	
	<b>AM</b>	<b>100 17 825</b>	<b>10/18/2001</b>	<b>Germany</b>			<input checked="" type="checkbox"/>	
	<b>AN</b>	<b>100 59 184</b>	<b>08/23/2001</b>	<b>Germany</b>			<input checked="" type="checkbox"/>	
	<b>AO</b>							
	<b>AP</b>							
	<b>AQ</b>							
	<b>AR</b>							
	<b>AS</b>							

**OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

<b>AV</b>	
<b>AW</b>	
<b>AX</b>	
<b>AY</b>	
<b>AZ</b>	

Examiner: \_\_\_\_\_ Date: \_\_\_\_\_